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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,330	11/24/2003	James B. McCormick	46521-56183	4303

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THOMPSON COBURN, LLP
ONE US BANK PLAZA
SUITE 3500
ST LOUIS, MO 63101

EXAMINER

BOWERS, NATHAN ANDREW

ART UNIT	PAPER NUMBER
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1797

NOTIFICATION DATE	DELIVERY MODE
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12/16/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES B. MCCORMICK

Application No. 10/720,330
Technology Center 1700

Mailed: December 15, 2008

Before PAMELA S. BENNETT, *Review Team Paralegal*
BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on October 16, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

APPEAL BRIEF, STATUS OF CLAIMS

A review of the file indicates that the Appeal Brief filed February 18, 2008 does not comply with 37 CFR § 41.37(c) (2007). 37 CFR § 41.37(c)(1)(iii) states:

(iii) *Status of claims.* A statement of the status of all the claims in the proceeding (*e.g.*, rejected, allowed or confirmed, withdrawn, objected to, canceled) and an identification of those claims that are being appealed.

An in-depth review of the Appeal Brief indicates that the “Status of Claims” section is not complete because it only lists the status of the rejected claims. Correction is required.

CONCLUSION

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to hold the Appeal Brief filed on February 18, 2008 defective;
- 2) to notify appellant to file a paper which corrects the “Status of Claims”;
- 3) for consideration of above-noted paper; and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

Application No. 10/720,330

Thompson Coburn, LLP
One US Bank Plaza
Suite 3500
St. Louis, MO 63101